

<b>Notice of Allowability</b>	Application No.	Applicant(s)
	09/830,408	HULBERT, ANTHONY PETER
	Examiner John Pezzlo	Art Unit 2662

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1.  This communication is responsive to amendment filed 20 July 2005.
2.  The allowed claim(s) is/are 2-11(renumbered 1-10 respectively).
3.  The drawings filed on \_\_\_\_\_ are accepted by the Examiner.
4.  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a)  All    b)  Some\*    c)  None    of the:
    1.  Certified copies of the priority documents have been received.
    2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3.  Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

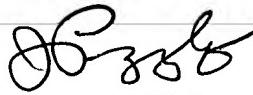
Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5.  A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6.  ~~CORRECTED~~ DRAWINGS ( as "replacement sheets") must be submitted.
  - (a)  including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
    - 1)  hereto or 2)  to Paper No./Mail Date \_\_\_\_\_.
  - (b)  including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7.  DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

#### Attachment(s)

1.  Notice of References Cited (PTO-892)
2.  Notice of Draftsperson's Patent Drawing Review (PTO-948)
3.  Information Disclosure Statements (PTO-1449 or PTO/SB/08),  
Paper No./Mail Date 20 July 2005
4.  Examiner's Comment Regarding Requirement for Deposit  
of Biological Material
5.  Notice of Informal Patent Application (PTO-152)
6.  Interview Summary (PTO-413),  
Paper No./Mail Date \_\_\_\_\_.
7.  Examiner's Amendment/Comment
8.  Examiner's Statement of Reasons for Allowance
9.  Other \_\_\_\_\_.

  
**JOHN PEZZLO**  
**PRIMARY EXAMINER**

## **DETAILED ACTION**

### ***EXAMINER'S AMENDMENT***

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Gary R. Edwards on 2 August 2005.

The claims have been amended as follows:

1. Claim 3, line 2, changed "time interview" to -- time interval --.

### ***Allowable Subject Matter***

Claims 2-11 are allowable over the prior art of record.

### ***Reasons for Allowance***

The following is an examiner's statement of reasons for allowance: Applicant has claimed the following uniquely distinct features in the instant invention which are not found in the prior art, either singularly or in combination:

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1. Regarding claim 2 - A method of power control in a communication system capable of transmitting, from a transmitter to a receiver, a frame having a plurality of time intervals, wherein power control is effected on the individual time intervals based upon information passed from the receiver to the transmitter, and the receiver seeks to maintain an average signal to noise ratio across the frame; said method comprising:

- i. for a first time interval of a frame, setting an initial transmission power level, and
- ii. for each subsequent time interval of the frame, measuring a received signal to noise ratio over subsequent time intervals, determining a cumulative signal to noise ratio value over a received time interval of the frame, determining the number of time intervals remaining in the frame, and, adjusting the transmission power level in response to signaling from the receiver in respect of a further subsequent time interval, based upon said cumulative signal to noise ratio value and the number of time intervals remaining in the frame, such that a target average signal to noise ratio is substantially achieved.

2. Regarding claim 11 - A transmitter for a communication system operable to transmit in time frames having a plurality of time intervals, the transmitter comprising a power controller operable to:

- i. for a first time interval of a frame, set an initial transmission power level, and
- ii. for each subsequent time interval of the frame, measure a received signal to noise ratio over subsequent time intervals, determine a cumulative signal to noise ratio value over a received time interval of the frame, determine the number of time intervals remaining in the frame, and adjust the transmission power level in response to signaling from the receiver in respect of a further subsequent time interval, based upon said cumulative signal to noise ratio

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value and the number of time intervals remaining in the frame, such that a target average signal to noise ratio is substantially achieved.

The closest prior art, either singularly or in combination, fail to anticipate or render the above limitations obvious.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### ***Conclusion***

Claims 2-11 being allowable, **Prosecution On The Merits Is Closed** in this application.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

1. Laborde et al. (US 5,790,940) discloses a power control for TDMA mobile satellite communication system.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to John Pezzlo whose telephone number is (571) 272-3090. The examiner can normally be reached on Monday to Friday from 8:30 AM to 4:30 PM.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hassan Kizou, can be reached on (571) 272-3088. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (571) 272-2600.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C.

or faxed to:

(571) 273-8300

For informal or draft communications, please label "PROPOSED" or "DRAFT"

Hand delivered responses should be brought to:

Jefferson Building

2A15

500 Dulany Street

Alexandria, VA, 22313.

John Pezzlo

2 August 2005



JOHN PEZZLO  
PRIMARY EXAMINER